



Indiana Judicial Nominating Commission
30 South Meridian Street
Suite 500
Indianapolis, IN 46204
(317) 232-4706

APPLICATION

FOR THE

INDIANA SUPREME COURT

I. Provide your:

A. Full legal name and any former names.

Kiply Suzanne Drew (formerly Kiply Suzanne Shobe)

B. Current home and office addresses, including email addresses and telephone numbers.

Home:

Office:

**Office of the Vice President and University Counsel
Indiana University
211 Bryan Hall
107 South Indiana Avenue
Bloomington, Indiana 47405**

(812) 855-9739 (812) 855-0009 (direct)

C. Date and place of birth.

September 19, 1961; Franklin, Indiana

D. Complete a State Police release form printed on green paper. Include the release only with the original application and not with the copies.

Mailed, June 11, 2010.

- II. Attach a recent photograph of you to the front of the original application and to each copy of your application.

Attached.

III.

- A. State in what county you currently reside and since what date.

Monroe, since 1994

- B. List all previous counties of residence, with dates.

Johnson County, 1961-62

Ripley County, 1962-63

Franklin County, 1963-64

Martin County, 1964-83

[Jefferson County during academic years 1979-1983]

Dearborn County, 1983-84

Clark County, 1984-86

Monroe, 1986-89

Marion, 1989-94

- C. When were you admitted to the Indiana Bar?

October 20, 1989

- D. Are you currently on active status?

Yes.

- E. What is your attorney number?

14950-51A

IV.

- A. List below all colleges and universities you attended other than law schools. Attach a certified transcript from each to the original application and attach copies of each transcript to each application copy. (If your social security number is on your transcripts, redact it before copying.)

<u>School</u>	<u>Dates Enrolled</u>	<u>Degree or Certificate</u>
Hanover College	1979-1983	B.A.
Indiana University	1984-85	None—Accepted to Law School

Transcript attached at Tab 1.

- B. List below all law schools and post-J.D. programs attended. Attach a certified transcript from each to the original application and attach copies of each transcript to each application copy. (If your social security number is on your transcripts, redact it before copying.)

<u>School</u>	<u>Dates Enrolled</u>	<u>Degree and Class Rank</u>
Indiana University Maurer School of Law	1986-1989	J.D. Top 15% of Class ¹

Transcript attached at Tab 1.

- C. Describe any academic honors, awards, and scholarships you received and when.

Graduated from Hanover College *cum laude* and with departmental honors (English) in 1983

Passed English Department's comprehensive oral exam with distinction in 1983

Graduated from Indiana University Maurer School of law *cum laude* in 1989

Served as Editor-in-Chief of *The Indiana Law Journal*, 1988-89

V.

- A. Provide your employment history since graduation from college, including titles or positions, locations, and dates.

Lawrenceburg High School, Lawrenceburg, Indiana; English teacher; 1983-84

Jeffersonville High School, Jeffersonville, Indiana; English teacher; 1984-86

Indiana Supreme Court, Indianapolis, Indiana; law clerk to the Honorable Roger O. DeBruler; 1989-91

Barnes & Thornburg, Indianapolis, Indiana; associate attorney; 1991-1994

Andrews, Harrell, Mann, Chapman & Coyne, Bloomington, Indiana; associate attorney, 1994

Indiana University, Bloomington, Indiana; Associate General Counsel, 1994-Present

- B. If applicable, describe the nature and extent of your practice of law, present and former, and provide the names of your partners, associates, office mates, and employers.

¹ The cut-off for top 10% in 1989 was 3.28. My GPA was 3.21.

Law Clerk to the Honorable Roger O. DeBruler

My first position after law school was serving as a law clerk to the Honorable Roger O. DeBruler of the Indiana Supreme Court (now retired). Justice DeBruler sometimes assigned a case to me following a preliminary vote by the full Court in conference, and my role was to research the law applicable to the case and prepare a memorandum for the Justice's consideration. After that, I assisted Justice DeBruler in drafting and editing an opinion that represented his vote in conference—whether that preliminary vote represented a majority opinion or a dissent or concurrence. For some cases that had not had conference action, Justice DeBruler would ask me to prepare the memorandum of law based on his assessment of how the case should be decided, which would then be circulated for vote by the other Justices.

My favorite cases, however, were those in which Justice DeBruler would ask me to review the file and briefs and make an informal recommendation for his vote and prepare the memorandum of law for his consideration and action. Although my recommendations did not always carry the day in Justice DeBruler's chambers, I knew that he always gave them meaningful consideration and, often, fierce debate with myself and my co-clerks. It was thrilling.

My time with the Indiana Supreme Court was one of the happiest and most fulfilling times of my life. I was honored to be selected to serve in the chambers of one of the five highest judicial officials in the State. I cannot imagine a better way to begin one's career in the law than to be able to work closely with these jurists and their clerks (no slouches themselves!) on the biggest issues of the day, whether they be questions of first impression, settling conflicts among lower court decisions, or—quite literally—life and death situations in the context of death penalty appeals.

I learned, too, that while it cannot be disengaged from the society it serves, the Court must be somewhat cloistered because of the nature of its work, and that discretion, collegiality and consensus-building are critical to the Court's success.

The following four DeBruler majority decisions are those of which I am most proud that I was able to contribute:

Canfield v. Sandock, 563 N.E.2d 526 (Ind. 1990) (limiting discovery of a litigant's medical records to those relevant to the litigation, thus precluding discovery of highly personal or embarrassing conditions or procedures that have not been placed in issue in the litigation; authorizing *in camera* review to determine relevance)

Stropes v. Heritage House, 574 N.E.2d 244 (Ind. 1989) (imposing non-delegable duty of care on nursing home whose aide sexually assaulted a 14-year-old with cerebral palsy and a mental function of a five-month-old)

Stewart v. State, 555 N.E.2d 121 (Ind. 1990) (interpretation of the scope of the criminal deviate conduct statute)

Wethington v. State, 560 N.E.2d 496 (Ind. 1990) (important case in appellate process; frequently cited in cases applying the scope of what constitutes a "lesser included offense")

Office mates and co-workers:

John Broden, State Senator for St. Joseph County, was my co-clerk from 1990-1991.

Greta Scodro, now in the Supreme Court administrator's office, was a clerk to then-Justice Krahulik.

Kevin Betz, Jane Ann Himself, and Cheri Harris were clerks for Chief Justice Shepard. Mark Massa, also a clerk to Chief Justice Shepard, and I overlapped for a short time in 1991.

Brett Fleitz was a clerk to The Honorable Brent R. Dickson.

Charlie Ward was a clerk to The Honorable Richard Givan.

Barnes & Thornburg

Upon completing my clerkship with Justice DeBruler, I accepted a position with Barnes & Thornburg as an associate in the firm's Environmental Department. There, I provided advice to clients ranging from a small, locally-owned manufacturing company to Fortune 500 and other large national corporations that were confronting a wide variety of environmental regulatory requirements that impacted their business operations. Much of my work at Barnes & Thornburg was focused on analyzing the applicability of state and federal environmental regulations to particular manufacturing processes, assessing whether clients were maintaining compliance with permit limits, and responding to enforcement actions brought by the Environmental Protection Agency or the Indiana Department of Environmental Management. I also prepared filings at virtually all stages of trial and administrative processes. I drafted answers to complaints, a brief in support of an interlocutory appeal, summary judgment briefs, a response to a motion for preliminary injunction, a request under the Freedom of Information Act, witness outlines for deposition, and proposed findings of fact and conclusions of law to submit to the court.

In my three and a half years with Barnes & Thornburg, I gained experience with nearly every federal environmental regulatory scheme

imaginable—Superfund, the Clean Air Act, the Resource Conservation and Recovery Act, the Clean Water Act, and the Toxic Substance Control Act. On the state law side, I did work involving the Indiana's environmental laws governing underground storage tanks, solid waste disposal, and disclosure of environmental conditions associated with real estate transfers (the Responsible Property Transfer Act). Some of my work also involved Indiana's Open Door law and Access to Open Records Act. I participated in a settlement conference with the Environmental Protection Agency and a hearing before the Indiana Solid Waste Management Board, and I conducted a deposition of an IDEM official in a case challenging an agency rule-making procedure.

I also wrote articles for Barnes & Thornburg's departmental client newsletter and co-authored, with senior partners, written materials for presentations and publication in professional journals.

Supervising Partners: Bryan Tabler, John Kyle, Renee McDermott

"Partner next door": David F. Hamilton (now a member of the United States Court of Appeals for the Seventh Circuit)

Then-Associates: The Honorable Tim Baker, Tony Sullivan, Joe Chapelle, Diane Cruz-Burke (now Assistant General Counsel at Eli Lilly & Co.), Andy Detherage, Mark Janis (now a law professor at the Indiana University Maurer School of Law), Don Williams

Other former and current partners at Barnes & Thornburg who are familiar with my tenure there: Bob Grand, Peter Rusthoven, John Maley, Stan Fickle, Ken Inskeep, Alan Mills, Bob Johnstone, Mike Rosiello, Neal Steinbart

Andrews Harrell Mann Chapman & Coyne

I accepted an offer from Andrews Harrell Mann Chapman & Coyne in my beloved Bloomington and began work there in February 1994 as an associate. I continued my work as an environmental attorney there, assisting partners in advising clients on real estate transactions related to, among other things, the former ABB site on the west side of Bloomington, a proposed purchase of a former gas station site contaminated by creosote from the adjacent railroad line, and a proposed purchase of a residential property used by a former owner as an open dump for his trash pick-up business in the 1950s and '60s.

I also worked on a variety of civil matters, including contract issues, child custody/support, and a will contest involving the division of interest in a substantial family farming business.

My career took a decisive turn in April of 1994, following the unexpected death of an associate counsel at Indiana University. The firm

was hired by IU to assign one of its attorneys to work with the University Counsel's office to identify, assess and complete, insofar as possible, the matters that the deceased attorney was working on at the time of his death. From April until August of 1994, I spent half-days at IU undertaking this work in an outside counsel capacity and then would return to the law firm and spend the other half-day working for other clients of the firm.

Partners: Bill Andrews, Harold A. (Skip) Harrell, Bob Mann, Ron Chapman, Lynn Coyne (now Assistant Vice President for Real Estate and Economic Development at IU), Susan Nelson, Mike Carmin, Steve Emery

Associates: Lance Wonderlin, Angela Parker

Indiana University

Vice President and University Counsel Dorothy J. Frapwell hired me in 1994 as Associate Counsel to Indiana University. At that time, there were five associate counsel. The Office of the Vice President & General Counsel is responsible for providing legal advice and services to the Board of Trustees, the President and senior administrative staff members concerning matters of law and policy related to the effective and efficient operation of all eight Indiana University campuses and the advancement of the academic and research mission of the University. One of my essential roles is to educate and advise University officials at all levels on the applicability of these laws and regulations to the University and to assist in maintaining compliance with those laws.

I provide advice to the departments and units university-wide on a day-to-day basis on an array of legal topics ranging from employment matters and contract review to student discipline.

With regard to litigation cases assigned to me, I direct and act as University liaison to attorneys in outside law firms who are hired to represent the interests of the Trustees of Indiana University in litigation, and I work closely with those outside counsel to ensure that services are rendered in a timely fashion at a reasonable cost to the University. I draft, review, edit and approve correspondence and legal documents to be filed with state and federal Courts, other government agencies, and opposing parties. I keep internal clients informed as to case status and confer and advise on litigation and/or settlement strategy.

Current and Former Associate Counsel: Michael A. Klein, Beth E. Cate, Joe Scodro, Tom Gannon, M. Davis O'Guinn, Emily Springston, Sharon Groeger (former), Albert Valasquez (former)

B. Describe the extent of your jury experience, if any.

I have not had the opportunity to try cases to a jury. As in-house counsel to Indiana University, I have had the opportunity to work as a

client/colleague to a number of exceptionally skilled litigation attorneys, but, unfortunately, it is not the nature of my practice to actually try the cases.

- C. If applicable, describe the nature and extent of your judicial experience, including a description of your experience presiding over jury trials, if any.

N/A.

VI.

- A. If applicable, list by caption, case number, and filing date up to five of your trial or appellate briefs and/or written judicial opinions.

As in-house counsel, I am rarely an attorney of record in litigation. In fact, much of my advocacy occurs prior to—and in hopes of avoiding—litigation. Therefore, in response to this inquiry, I am listing pre-litigation correspondence with an opposing party in a case that did ultimately result in litigation, along with responses that I have written personally or co-written with outside counsel that have been filed on behalf of Indiana University with the Department of Education, Office of Civil Rights, the Equal Opportunity Employment Commission, and the Indiana Civil Rights Commission.

Mears v. Indiana University Northwest, OCR Docket # 05-2009-2107, July 8, 2009

Buggs-Brown v. Indiana University Northwest, OCR Docket #05-2009-2134, September 4, 2009

Pendergrass v. Indiana University South Bend, EEOC Charge No. 470-2008-00200, August 15, 2008

Mesdag v. Indiana University School of Law, ICRC Complaint No.: Edha07030088, March 8, 2007

Dahlhaus v. Indiana University Southeast, ICRC Complaint No.: EDha04070316, September 1, 2004

- B. If applicable, list up to five legislative drafts or court rules you have written or to which you contributed significantly. Refer to them by official citation, by date, and by subject matter.

N/A.

- C. If applicable, list up to five of your contributions to legal journals or other legal publications. Provide titles, official citations, and a brief description of the subject matter.

Author, Note, “‘Public Education in Shreds’: Religious Challenges to Curricular Decisions,” 64 *Ind. L.J.* 111 (1989)

I examined the history of separation of church and state in the context of public secondary education, and the extent to which families with religious objections to curriculum choices may make substitutions. This topic was of particular interest and relevance to me because, when I was a secondary English teacher, I had been given the latitude to create my own contemporary/popular fiction literature course for upperclassmen. Although none of my selections for the course were challenged, I was, of course, mindful—even before law school—of book bans in other communities and of sensibilities that might be affected by my selections.

Editor, Article by Charles. P. Ward and Brett R. Fleitz, “The Journey’s Account Statute: The Litigator’s Little-Known Friend,” 35 *Res Gestae* 60 (1991)

Editor, Article by Brett Fleitz, “Original Actions in the Indiana Supreme Court: Writs of Mandamus, Prohibition,” 66 *Res Gestae* 522 (1992)

Co-Author (with Renee McDermott), “Hot Topics in Environmental Law: Vicarious Corporate Liability for Environmental Matter and Liability of Officers, Directors, and Shareholders,” presented at 1993 American Bar Association Annual Meeting, Section of Business Law, August 8, 1993

Co-Author (with Bryan Tabler), “Utilities and the Environment,” presented at the 1993 Fall Seminar of the Utility Law Section of the Indiana State Bar Association, August 13, 1993.

- D. Include with your application copies of any four of the written materials listed above in Section VI. A., B., and C.

Attached at Tabs 2-5.

- E. Describe the nature and extent of any *pro bono* legal services you have contributed.

N/A.

- F. Identify the five most significant legal matters entrusted to you whether as a judge or lawyer, and describe why you believe them to be so.

1. Service as Interim General Counsel to Indiana University

The single most significant experience in my practice at Indiana University was my brief tenure as Acting General Counsel. Vice President and General Counsel Dottie Frapwell and then-President Adam Herbert asked me to serve this role while Vice President Frapwell was on a leave in 2005. Of course, I conferred with Vice President Frapwell regularly (daily when possible) throughout the four months that she was on leave, and I “phased out” as she was “phasing back in,” but in terms of the day-to-day management and work of the office, I served in her stead in all respects.

My first significant task as Acting General Counsel was my participation in the Board of Trustees organizational retreat in August of 2005, which was also the first board gathering for Trustees Bill Cast and Tom Reilly. Thereafter, I participated in Board executive sessions and public meetings. I met with and advised President Herbert regularly.

Some examples of my work as Acting General Counsel: I advised and assisted President Herbert and other University officials in the University's response to the plane crash in which five Indiana University Jacobs School of Music students were killed; I advised individual Trustees as they responded to inquiries (and complaints) from constituents, and I responded to some inquiries by constituents made directly to the Office of General Counsel; I advised President Herbert on an employment issue in which an employee who had filed an EEOC complaint was simultaneously requesting that the President intervene internally; I advised Trustees and Vice Presidents on responses to requests made pursuant to the Indiana Access to Public Records Act for records maintained by their offices; I made case/matter assignments to the other associate counsel; I participated in the President's cabinet meetings and on the IUB Chancellor search; I made decisions on requests for conflict waivers from outside counsel; and I worked with IU's Internal Audit on a significant audit conducted on one of the University's professional schools.

Although we made arrangements for much of my regular caseload to be handled by the other associate counsel and some by outside counsel, because of the lean nature of our staff, I also retained responsibility for some of my more significant assignments during the time that I was Acting General Counsel.

2. Constitutional Law

Since Indiana University is a state institution, my practice has a dimension that is likely uncommon among most in-house counsel—constitutional law. Because of its police departments and residence hall staff, Indiana University must be mindful of Fourth Amendment constraints on search and seizure. Students, faculty and staff have due process rights in disciplinary and corrective action proceedings. The use of the University's facilities, from its sidewalks and open spaces to the IU Auditorium and Assembly Hall is subject to both the free speech and separation of church and state considerations arising under the First Amendment. I find this area of my practice to be among the most challenging, the most important, and the most enjoyable.

I was assigned primary in-house responsibility for the following cases presenting constitutional issues:

Tanford v. Brand, 104 F.3d 982 (7th Cir. 1997); *cert denied*, 522 U.S. 814 (1997) (constitutionality of prayer at university graduation ceremonies).

Foo v. The Trustees of Indiana University, 88 F. Supp. 2d 937 (S.D. Ind. 1999) (procedural due process and equal protection case in student disciplinary action)

Center for Bioethical Reform, Inc. v. Trustees of Indiana University, Case No. IP00-1420 C Y/G, (S. D. Ind. 2000) (First Amendment case regarding the appropriate forum on University property for plaintiff's "Genocide Awareness Project" display)

3. Complaint Resolution

According to the 2008-09 Indiana University Fact Book, Indiana University has over 16,500 faculty and full-time employees, over 2,300 part-time employees and over 100,000 undergraduate, graduate, and professional school students across the University's eight campuses. With that many individuals and their sometimes divergent interests, it is fair to say that my representation of Indiana University has encompassed "complaint resolution" in a number of contexts and fora over the last almost 16 years.

I have personally represented Indiana University externally in front of the EEOC, the Indiana Civil Rights Commission, and the Department of Education, Office of Civil Rights. In addition, I have had primary liaison responsibility for cases in which the University was represented by outside counsel in the Southern District of Indiana, the Seventh Circuit Court of Appeals, and the United States Supreme Court and in state courts around the State of Indiana.

I have represented the University and advised University administration in internal proceedings before faculty boards of review, student disciplinary proceedings, and employment grievances.

4. Contracts

Indiana University is party to a truly astonishing variety of contractual arrangements, and I have reviewed, negotiated and advised upon many of the most significant of those. I am currently engaged in the second major update of our construction contract documents in my tenure here, which includes tailoring AIA templates for general terms and conditions with contractors and architects to Indiana University's unique practices and procedures. Along with those particular construction contracts, I have also had primary responsibility for the creation of IU's design-build and Job Order Contracting documents. Other significant contract work I have performed on behalf of the University has been with Microsoft, Oracle/Peoplesoft, Coca-Cola, Ticketmaster, Adidas, Nike, Barnes & Noble, IBM, Sodexho, Dunkin' Donuts, Sbarro, and US Bank, as well as contracts for the Athletics Department with head and assistant coaches.

5. Construction law

Based on data contained in the Indiana University Fact Books for 1995 and 2009, Indiana University has built 166 buildings on its eight campuses since my arrival. There are nine buildings and five major renovations currently under construction, and an additional nine projects in design. I am the primary liaison and advisor for the office of the Vice President for Capital Projects and Facilities, and for the two units in that portfolio responsible for IU construction work, the University Architect and Construction Management. I provide advice and counsel on the laws governing public works, on bidding issues, on contract interpretation as issues come up during the course of a project, and on project close-out and claim resolution. I have represented the University on my own and with the assistance of outside counsel in mediations, litigation and all manner of dispute resolution arising out of our construction projects. As noted above, I have been the attorney in our office assigned to the task of the revision and update—and in the case of design-build and Job Order Contracting—creation of the architectural contracts and prime contractors' general terms and conditions.

- G. Provide the names, addresses, and telephone numbers of three attorneys who have been your professional adversaries in your practice or who have litigated substantial cases in your court and who would be in positions to comment on your qualifications for appointment to the Indiana Supreme Court.

Dan Altschul
Senior Civil Rights Attorney
Office for Civil Rights
U.S. Dept. of Education
Midwestern Division, Chicago Office
500 West Madison St., Suite 1475,
Chicago, Illinois 60661

312-730-1563

Rosemary G. Spalding
Spalding & Hilmes, PC
330 South Downey Avenue
Indianapolis, IN 46219

317-375-0448 (direct)

Michael Einterz
Einterz & Einterz
4600 Northwest Plaza West Drive
Zionsville, Indiana 46077

(317) 337-2021

VII.

- A. Describe your efforts, achievements, or contributions (including written work, speeches, or presentations) toward the improvement of the law, the legal system, or the administration of justice.

I was appointed by Chief Justice Shepard as a member of the Supreme Court Committee on Character and Fitness on May 22, 1996. I was honored to be asked to serve in this role. Over these last fourteen years, I have truly enjoyed meeting and interviewing prospective new attorneys who are on the brink of starting their careers after completing the sometimes arduous experience of law school. One topic that I discuss extensively with all of my candidates is that, notwithstanding any impression they have as they emerge from their lives in academia, ethics is not, in fact, "just academic" and that they will be confronted with the actual application of the rules of conduct in their practice, often in surprising circumstances.

- B. Describe your efforts, achievements, or contributions (including written work, speeches, or presentations) concerning civic, political, or social issues.

Habitat for Humanity, Women's Build, 2002.

- C. List any memberships and offices you have held in civic or charitable organizations, including dates and descriptions of the purposes of the organizations and of your involvement.

I am a member of Sherwood Oaks Christian Church in Bloomington, Indiana. As I have moved from place to place, I have also been a member of several United Methodist churches throughout my life.

- D. List any memberships and offices you have held in professional organizations, including dates and descriptions of the purposes of the organizations and of your involvement.

N/A.

- E. List any memberships you hold in social clubs or organizations. If any restrict its membership on the basis of race, sex, religion, or national origin, please describe your efforts within the organization to eliminate restrictions.

I have been in a book club for a little over a year, the membership of which is a fascinating and dynamic mix of "university people," community leaders, local business owners, and individuals from the local education, medical and newspaper arenas.

- F. Indicate your experience teaching law, and provide the dates, names of institutions or programs, and a description of the subject matter taught.

Although I have never served formally as an adjunct professor, I have been a frequent guest speaker in the Indiana University School of

Education's Residence Life Seminar (U559, students are Master's and Ph.D. candidates in higher education) and at numerous events at the Indiana University Maurer School of Law.

I recently concluded my participation in a role-playing exercise that my colleague, Dave O'Guinn, is utilizing as part of the summer course (Litigation Drafting, B564) he is teaching at the Indiana University Maurer School of Law.

I have also been a presenter at conferences for national and regional and other professional associations affiliated with colleges and universities, including the Association of College Unions International (2010); the Indiana Association of Collegiate Registrars and Admissions Officers (2002); the Great Lakes regional association for the National Association of Educational Procurement (2002 and 2005).

G. Describe your hobbies and other leisure activities.

I am an avid reader of historical and popular fiction, and I confess a weakness for murder mysteries, lawyer tales, and Harry Potter.

Most of my leisure time revolves around our sons. Since our older son was born in 1995, my life has been devoted to, and divided between, my work at IU and being the very best parent I can be. From time to time over the years, I have started and stopped exercise classes, Bible study groups and other endeavors, but my time has always shifted from these individual pursuits back to the boys and what they are doing. Parents have only one chance to get their kids right—to make sure they appreciate the opportunities they have, to teach them to be compassionate and fair, to be responsible and do what is right. While I don't ski or travel abroad or collect obscure but important artworks, I certainly don't begrudge these pursuits to others. My own cultural and leisure activities, however, have tended to be attending piano recitals, working concession stands (both boys are in their eighth year of baseball), and making sure that my sons have had the proper exposure to IU basketball, the oceans, the Museum of Science and Industry, and the national monuments—with the appropriate number of theme parks and major league baseball games thrown in.

I love to entertain my extended family and friends. I have been fortunate to maintain a close relationship with a group of eight fellow Hanover grads and their spouses (and our collective eighteen children) and we have, without fail, gotten together at least once a year since our graduation in 1983.

The leisure activity that I most enjoy is recording all these events and relationships in scrapbooks. This gives me an outlet for my creativity, and I like the journalistic aspect of it, as well as the orderliness and reflection required to organize and document the photos and memorabilia piled up from what sometimes seems like a rather chaotic life.

VIII.

- A. Provide names, addresses, and telephone numbers of three professional references other than those listed in Section VI. G.

Dorothy J. Frapwell
Vice President and General Counsel
Indiana University
211 Bryan Hall
107 South Indiana Avenue
Bloomington, Indiana 47405

(812) 855-9739

Stephen Ferguson
Chairman, The Cook Group, Inc.
P.O. Box 489
Bloomington, Indiana 47402-0489

(812) 339-2235

John R. Maley
Barnes & Thornburg, LLP
11 South Meridian Street
Indianapolis, Indiana 46204

(317) 432-5509 (c)

- B. Provide names, addresses, and telephone numbers of three personal references other than those listed in VI. G.

The Honorable Roger O. DeBruler
Indiana Supreme Court (Retired)
531 Vermont Street
Indianapolis, Indiana 46202

(317) 638-6093

The Honorable John Daniel Tinder
Seventh Circuit Court of Appeals
304 Birch Bayh Federal Building
And United States Courthouse
46 East Ohio Street
Indianapolis, Indiana 46204

(312) 435-5850

**The Honorable Alison Tam Frazier
Jefferson County Superior Court
300 East Main Street
Madison, Indiana 47250-3537**

(812) 265-8914

- C. List any lawsuits or legal proceedings in any jurisdiction, including bankruptcies and dissolutions, to which you have been a party. Provide dates, case numbers, names of other parties, and, if needed, a brief explanation.

None.

- D. If you ever have been arrested or cited for any violation of the law other than for routine traffic violations, provide dates, jurisdictions, and an explanation of the event and its resolution.

None.

- E. If you are or have been a member of the Bar of any other state, identify the jurisdiction and provide dates.

N/A.

- F. If you have been disciplined or cautioned, formally or informally, by the Indiana Supreme Court Disciplinary Commission, by the Indiana Commission on Judicial Qualifications, by the Indiana Supreme Court, or by similar entities in any other jurisdiction, identify each instance by date, case number if applicable, and describe the circumstances and the nature of the outcome or resolution.

N/A.

- G. If you have any outstanding federal, state, or local tax obligations, please itemize and explain.

N/A.

IX.

- A. Attach a recent statement from your physician describing your general physical condition.

- B. Within the past three years, have you been diagnosed or treated for an emotional or mental condition or illness, including any condition that involves treatment for drug or alcohol use? If so, provide the dates of assessment and/or treatment and the names and addresses of your doctors or other treatment providers.

- C. Are you able to perform the essential functions of Justice on the Indiana Supreme Court, with or without accommodation?

I am able to perform the essential functions of Justice on the Indiana Supreme Court without accommodation.

6/22/10 Kiply S. Drew
DATE KIPLY SUZANNE DREW

WAIVER AND STATEMENT OF CONSENT

The undersigned applicant authorizes the release to the Indiana Judicial Nominating Commission or its staff or agents any records, reports, and documents, whether or not otherwise confidential, which may be requested by the Commission in the performance of its evaluations of candidates pursuant to I.C. § 33-27-3-2. The scope of this authorization extends to, but is not necessarily limited to, requests from the Commission for Federal, State or local tax records, criminal and driving histories from any jurisdiction, attorney and judicial disciplinary records from any jurisdiction, whether pending or closed, and credit reports and histories. The undersigned releases and discharges the Judicial Nominating Commission, its individual members, its employees, agents and representatives, the Indiana State Police, the Indiana Department of Revenue, the Indiana Supreme Court Disciplinary Commission and any other agency or person or their agents or representatives providing information to the Commission from any and all liability arising from the furnishing and use of information concerning the undersigned applicant.

The undersigned agrees and understands that the Indiana Judicial Nominating Commission or its members, agents, or employees, may interview or otherwise consult with members of the legal, judicial, and general community concerning the professional qualifications and the integrity of the applicant, that the name of the applicant will be released by the Commission upon its receipt of the application and this waiver, and that if, pursuant to I.C. § 33-27-3-2(d), the applicant is given further consideration as a candidate after the Commission's initial screening of candidates, or if no such screening occurs and all applicants are considered, the application will be made public. This waiver does not constitute an election by the applicant pursuant to I.C. § 33-27-3-2(g)(3)(C) to authorize the release of investigatory records which are excepted from public inspection pursuant to I.C. § 33-27-3-2(g)(1) and (2).

The undersigned agrees to immediately supplement this application upon any event or circumstance substantially affecting any answer provided in the application.

The undersigned acknowledges having read the Instructions attached to the application.

The undersigned agrees to resign from office or membership in any political organization upon submission of this application.

The undersigned affirms that, if nominated by the Judicial Nominating Commission to the Governor and thereafter appointed to this judicial office, the candidate will accept the appointment.

6/29/10 Kiply S. Drew

DATE APPLICANT'S SIGNATURE

KIPLY S. DREW

PRINTED NAME